Executive Summary – Enforcement Matter – Case No. 50375 Padaana LLC dba Get N Go Market And Deli 6 RN101845527

Docket No. 2015-0573-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Get N Go Market and Deli 6, 335 Highway 105, Evadale, Jasper County

Type of Operation:

Convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 31, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$26,462

Amount Deferred for Expedited Settlement: \$5,292 **Amount Deferred for Financial Inability to Pay:** \$0

Total Paid to General Revenue: \$590 Total Due to General Revenue: \$20,580

Payment Plan: 35 payments of \$588 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 50375 Padaana LLC dba Get N Go Market And Deli 6 RN101845527 Docket No. 2015-0573-PST-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 27, 2015

Date(s) of NOE(s): April 7, 2015

Violation Information

- 1. Failed to ensure that a corrosion protection system is designed, installed, operated, and maintained in a manner that corrosion protection is continuously provided to all underground metal components of the underground storage tanks ("USTs") system. Specifically, there was no electrical power to the rectifier box [30 Tex. Admin Code § 334.49(a)(2) and Tex. Water Code § 26.3475(d)].
- 2. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly [30 Tex. Admin Code § 334.49(c)(2)(C) and Tex. Water Code § 26.3475(d)].
- 3. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
- 4. Failed to inspect all sumps including the dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight and free of any liquid or debris. Specifically, the sumps contained liquid and debris [30 Tex. Admin. Code § 334.42(i)].
- 5. Failed to install a secure anchor at the base of the dispenser in each pressurized delivery or product line. Specifically, the shear valve (or impact valve) on dispenser nos. 5 and 6 was not anchored [30 Tex. ADMIN. CODE § 334.45(c)(3)(A)].
- 6. Failed to comply with UST operator training requirements. Specifically, no Class C operator was specifically trained for the Facility [30 Tex. Admin. Code § 334.602(a)(3)].
- 7. Failed to monitor the interstitial space of the secondarily contained piping system, in violation of [30 Tex. Admin. Code § 334.45(d)(1)(E)(iv)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. Repaired the corrosion protection system and tested the system on April 20, 2015, with passing results;
- b. Began conducting bimonthly inspections of the sumps, manways, overspill containers on April 3, 2015;
- c. Submitted documentation verifying that the shear valve was securely anchored at the base of dispenser nos. 5 and 6 on March 26, 2015;
- d. Conducted training, identified, and designated a Class C operator for the Facility on April 15, 2015; and
- e. Installed liquid sensing probes to monitor the piping interstitial space on March 23, 2015.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Begin conducting inspections of the impressed cathodic protection system at least once every $60\ \mathrm{days}$; and
- ii. Implement a release detection method for the USTs at the Facility.
- b. Within 45 days, submit written certification to demonstrate compliance with ai. and a.ii.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 50375 Padaana LLC dba Get N Go Market And Deli 6 RN101845527 Docket No. 2015-0573-PST-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: James Baldwin, Enforcement Division,

Enforcement Team 7, MC 128, (512) 239-1337; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Liaqat Ali, Owner, Get N Go Market and Deli 6, 335 Highway 105,

Evadale, Texas 77615

Respondent's Attorney: N/A

Policy Revision 4 (Ap	Penalty Calcul	lation Worksheet (PCW)	on M arch 26, 2014
EQ ATES A ssigned	6-Apr-2015	PCW REVIS) Marcii 28, 2014
PCW	15-Apr-2015 Screening 13-Apr	r-2015 EPA Due	
ESPONDENT/FACILI Respondent	Padaana LLC dba Get N Go Market Ar	nd Deli 6	
Reg. Ent. Ref. No. Facility/Site Region		Major/Minor Source Major	
ASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media	50375 2015-0573-PST-E Petroleum Storage Tank	No. of Violations 6 Order Type 1660 Government/Non-Profit No Enf. Coordinator James Baldwin	
Admin. Penalty \$ L	imit Minimum \$0 Maxim	EC's Team Enforcement Team	7
	Penalty Ca	Iculation Section	
OTAL BASE PENA	LTY (Sum of violation base p	penalties) Subtotal 1	\$33,750
DJUSTMENTS (+) Subtotals 2-7 are ob	(-) TO SUBTOTAL 1 tained by multiplying the Total Base Penalty (S	untotal 1) by the indicated percentage	
Compliance His		.0.0% Reduction Subtotals 2, 3, & 7	-\$3,375
Notes	Reduction for high per	former classification.	
Culpability	No	0.0% Enhancement Subtotal 4	\$0
Notes	The Respondent does not m	eet the culpability criteria.	
Good Faith Effo	ort to Comply Total Adjustments	Subtotal 5	-\$4,124
	· · · · · · · · · · · · · · · · · · ·		:
Economic Bene Estimated	Total EB Amounts \$302 Cost of Compliance \$5,824	0.0% Enhancement* Subtotal 6 *Capped at the Total EB \$ Amount	\$0
IM OF SUBTOTAL	S 1-7	Final Subtotal	\$26,251
THER FACTORS A	S JUSTICE MAY REQUIRE Subtotal by the indicated percentage.	0.8% Adjustment	\$211
Notes #440	Recommend enhancement to capture associated with viola	re the avoided cost of compliance tion nos. 1 and 3.	
		Final Penalty Amount	\$26,462
TATUTORY LIMIT	ADJUSTMENT	Final Assessed Penalty	\$26,462
EFERRAL tuces the Final Assessed Pen	alty by the indicated percentage. (Enter numb	20.0% Reduction Adjustment	-\$5,292
Notes	Deferral offered for ex		

PAYABLE PENALTY

\$21,170

PCW

Screening Date 13-Apr-2015

Docket No. 2015-0573-PST-E

Respondent Padaana LLC dba Get N Go Market And Deli 6

Case ID No. 50375

Reg. Ent. Reference No. RN101845527

Media [Statute] Petroleum Storage Tank

Enf. Coordinator James Baldwin

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Component	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	O	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	Ó	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audies	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	O	0%
		ease Enter Yes or No	
	Environmental management systems in place for one year or more	No.	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
· · · · · · · · · · · · · · · · · · ·	Adjustment Per	centage (Sub	total 2)
	Subtotal 3)		
No	international and the second s	centage (Sub	total 3)
pliance Histo	ry Person Classification (Subtotal 7)		
. High Perl	ormer Adjustment Per	centage (Sub	total 7)
pliance Histo	ry Summary		_
Compliance History Notes	Reduction for high performer classification.		
	Total Compliance History Adjustment Percentage (S	Subtotals 2, .	3, & 7)

Case ID No. Reg. Ent. Reference No. Media [Statute] Enf. Coordinator	Padaana LLC dba Get N Go Market And Deli 6 Policy	
Reg. Ent. Reference No. Media [Statute] Enf. Coordinator	The second secon	Revision 4 (April 2014) evision March 26, 2014
Enf. Coordinator	RN101845527	
	Petroleum Storage Tank	- www.
Violation Number		
Rule Cite(s)		
	26.3475(d) Falled to ensure that a corrosion protection system is designed, installed, operated,	
Violation Description	and maintained in a manner that corrosion protection is designed, installed, operated, and maintained in a manner that corrosion protection is continuously provided to all underground metal components of the underground storage tank ("UST") system. Specifically, there was no electrical power to the rectifier box. Also, failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly.	
	Base Penalty	\$25,000
> Environmental, Prope	rty and Human Health Matrix	
Release OR Actual		The second secon
OR Actual Potential		
>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 0.0%	
Matrix Human healt Notes that are p	h or the environment will or could be exposed to pollutants that would exceed levels rotective of human health or environmental receptors as a result of the violation.	
· · · · · · · · · · · · · · · · · · ·		The second secon
	Adjustment \$17,500	
	L	\$7,500
iolation Events		and the second s
Number of	Violation Events 1 45 Number of violation days	
and against the second	dally	
	weekly monthly	
mark only one with an x	quarterly X Violation Base Penalty	\$7,500
	semlannual annual	
engine Tugʻili Tugʻil	Single event	
One quarterly	event is recommended based on documentation of the violation during the February	
House doorself.	27, 2015 investigation to the April 13, 2015 screening date.	t .
One quarterly	tre a BAC Secretaria Control Secretaria Control Control Control Control Control Control Control Control Control	
		\$0
	ply Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	\$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary	\$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x)	\$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary	\$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for	\$0 \$7,500
ood Faith Efforts to Com	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal	
ood Faith Efforts to Com	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal	

	# 0 5 P 0 5 4 4 4 4 4 4 4 4 4	conomic	kg 65 00 km/s), 66 5 km/sb/302 12 3 km/s32	Wo	rksheet		
		dba Get N Go Mar	ket And Deli 6		sa di Liggian di		
Case ID No.							
Reg. Ent. Reference No.							
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	1					. Crecile Interest	Depreciation
						5.0	1.5
	Trem Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
trem pescription	NO CONTRIBES OF 3						
Delaved Costs							noting in simuel it also files.
	\$1,500	27-Feb-2015	20-Apr-2015	0.14	\$1	\$14	\$15
Equipment Buildings	31,500	27-760-2013	_ <u>20-MDI-2013</u>	0.00	\$1 \$0	\$14	\$15
Other (as needed)				0.00	\$0	\$0	\$0 \$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	<u>\$0</u>
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	9875, app. 31086-3-5			0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated co				the date of comp	date required is the lance.	investigation
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterii	ng item (except	for one-time avoid	led costs)
Disposat				0.00	\$0	\$0	\$0
Personnel 411				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	27-Dec-2014	27-Feb-2015	1.09	\$5	\$100	\$105
Other (as needed)		J		0.00	\$0	\$0	\$0
Notes for AVOIDED costs						ection system. The one of the original contractions are not the of investigations.	
Approx. Cost of Compliance		\$1,600	estation of the second		TOTAL		\$120

	Padaana LLC dba Get N Go Market And Deli 6	PCW olicy Revision 4 (April 2014)
Case ID No. Reg. Ent. Reference No.		W Revision March 26, 2014
Media [Statute]	Petroleum Storage Tank	
Enf. Coordinator Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)	

Violation Description	Failed to monitor the USTs for releases at a frequency of at least once every mon	th l
	(not to exceed 35 days between each monitoring).	
	Base Penal	ty \$25,000
>> Environmental Proner	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	# A
OR Actual	Control of the Contro	
Potential	X Percent 30.0%	. See
>>Programmatic MatrixFalsification	Major Moderate Minor	ernen en
	Percent 0.0%	A Commence of the Commence of
* Matrix Human healti	or the environment will or could be exposed to pollutants that would exceed level	S
Notes that are p	rotective of human health or environmental receptors as a result of the violation.	
	Adjustment \$17,5	00
		\$7,500
Violation Events		The state of the s
Number of V	iolation Events 1 45 Number of violation days	
NET LAND BARRANA	daily	77,000,000
1 m 100 m	weekly smorthly seems and seems seem	
mark only one with an x	quarterly X Violation Base Penal	ty \$7,500
A. A	semiannual annual annual	e Printer et al total
	single event	dimensional and the second
One quarterly	event is recommended based on documentation of the violation during the Februar	y
	27, 2015 Investigation to the April 13, 2015 screening date.	
Good Faith Efforts to Comp		n \$0
and a second sec	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	- 10 miles
	Ordinary N/A X (mark with x)	**************************************
	The Respondent does not meet the good faith criteria for	
ri copposition de aproprieta	Notes the Respondent does not meet the good faith diteria for this violation.	transferred MA
	Violation Subtot	al \$7,500
Economic Benefit (EB) for	this violation Statutory Limit Test	1.0
Estimate	d EB Amount \$63 Violation Final Penalty Total	\$6,804
	This violation Final Assessed Penalty (adjusted for limits	

Respondent Case ID No. 50375			ksheet	Worl	Benefit	conomic I	Ed	
Notes for AVOIDED costs Percent Source Percent Interest Percent Interest Interest Interest Percent Interest Interest Percent Interest	1909/67/902.280.45/902/902.886/7/902				ket And Deli 6	ba Get N Go Mark	Padaana LLC d	Respondent
Notes for AVOIDED costs Notes for AVOIDE						*		
Media Petroleum Storage Tank Percent Interest Percent Interest Interest Percent Interest Interest Percent Interest								
Titem Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB A	Years of	A Y	· ·					
Titem Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB A	preciation	Percent Interest						
Tem Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB A	15	5.0					-	110101.011.1101
Delayed Costs	3 Amount		Interest Saved	Yre T	Final Date	Date Pennired	Tham Cost	
Equipment					, mar Date	Date Required		
Equipment Buildings							No commas or \$	tem Description
Equipment Buildings								Dalawed Coate
Buildings	\$0	\$0	\$0 T	0.00				in the filter of
Other (as needed	\$0							7 7 1 li
Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposat Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs Disposal Personnel Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs 0.00	\$0							- 1
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs Disposal Personnel Personnel Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs One of the cost of	\$0			0.00				
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs AVOIDED Costs Disposal Personnel Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs Training/Sampling Remediation/Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	\$0	*****************************						
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs is the estimated date of compliance. AVOIDED Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	\$0							Record Keeping System
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs AVOIDED Costs Disposal Personnel Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs Description of the investigation date and th	\$0							Training/Sampling
Notes for DELAYED costs S1,500 27-Feb-2015 1-Jan-2016 0.84 \$63 \$n/a \$5	<u>\$0</u>							
Notes for DELAYED costs Avoided Costs	\$0							
AVOIDED costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided compliance) ANNUALIZE [1] avoided costs before entering item (except for one-time avoided compliance) Disposal Personnel	\$63	- n/a I	<u>563 l</u>	0.841	1-Jan-2016	27-Feb-2015 II	\$1,500	Other (as needed)
Disposal Personnel 0.00 \$0 \$0 \$0 \$0 \$0 \$0		e.	date of compliance	imated d	date is the est			
					costs perore o	LZE [1] avoided	ANNUAL	
	\$0 \$0							
Supplies/Equipment	\$0 \$0							
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	\$0 \$0							
ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	\$0							
Other (as needed) Notes for AVOIDED costs	\$0							
Notes for AVQIDED costs	\$0							
								Notes for AVQIDED costs
Approx. Cost of Compliance \$1,500	\$63		TOTAL			\$1,500		Approx. Cost of Compliance

Screening Date Respondent	Padaana LLC dba Get N Go Market And Deli 6 Pol	PCW icy Revision 4 (April 2014)
Case ID No. Reg. Ent. Reference No. Media [Statute] Enf. Coordinator Violation Number	RN101845527 Petroleum Storage Tank James Baldwin	V Revision March 26, 2014
Rule Cite(s)	30 Tex. Admin. Code § 334.42(i)	
Violation Description	Failed to inspect all sumps including the dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once ever 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight and free of any liquid or debris. Specifically, the sumps contained liquid and debris.	
	Base Penalt	y \$25,000
>> Environmental, Proper	ty and Human Health Matrix Harm Major Moderate Minor	
OR Actual Potential	X Percent 15.0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	**
Treasure and the second	Percent 0.0%	-1
Matrix Notes Human health would not exce	or the environment will or could be exposed to significant amounts of pollutants tha eed levels that are protective of human health or environmental receptors as a resul of the violation.	
	Adjustment \$21,250	
te see	 A section of the sectio	\$3,750
Violation Events		
Number of V	(iolation Events 1 35 Number of violation days	
mark only one	dally weekly monthly	
with an x	quarterly x Violation Base Penalty semiannual annual single event	\$3,750
	Single event Production of the Control of the Contr	7
One quarterly	event is recommended based on documentation of the violation during the February 27, 2015 investigation to the April 3, 2015 compliance date.	
Good Faith Efforts to Comp	DIY 25.0% Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	\$937
	Extraordinary Ordinary N/A (mark with x)	A0000000000000000000000000000000000000
	Notes The Respondent came into compliance on April 3, 2015 prior to the Notice of Enforcement dated April 7, 2015.	•
	Violation Subtotal	\$2,813
Economic Benefit (EB) for	this violation. Statutory Limit Test	
Estimate	d EB Amount \$106 Violation Final Penalty Total	\$2,458
	This violation Final Assessed Penalty (adjusted for limits)	\$2,458

Violation No.	Petroleum Sto 3	rage Tank				Percent Interest	Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs_						1	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
igineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				10001	\$0	n/a	\$0
fotes for DELAYED costs					V la Vavant	for one-time avoid	
Avoided Costs Disposal Personnel on/Reporting/Sampling Supplies/Equipment	ANNUAL	IZE [1] avoided	COSIS DEIOTE	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel on/Reporting/Sampling Supplies/Equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Personnel On/Reporting/Sampling Supplies/Equipment Financial Assurance [2] -TIME avoided costs [3]	ANNUAL	IZE [1] avoided	3-Apr-2015	0.00 0.00 0.00 0.00 0.00 1.18	\$0 \$0 \$0 \$0 \$0 \$0 \$6	\$0 \$0 \$0 \$0 \$0 \$0 \$100	\$0 \$0 \$0 \$0 \$0 \$106
Disposal Personnel on/Reporting/Sampling Supplies/Equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

	ALL TO ME AND THE STATE OF THE	PCW Revision 4 (April 2014)
	Reg. Ent. Reference No. RN101845527	Revision March 26, 2014
are a	Media [Statute] Petroleum Storage Tank Enf. Coordinator James Baldwin	
4	Violation Number 4	reconstitution of the second o
Transport	Rule Cite(s) 30 Tex. Admin; Code § 334.45(c)(3)(A)	
	Failed to install a secure anchor at the base of the dispenser in each pressurized	Management of the second of th
	Violation Description delivery or product line. Specifically, the shear valve (or impact valve) on dispenser nos. 5 and 6 was not anchored.	Medical Action of the Control of the
	Base Penalty	\$ 25,0 00
i 	>> Environmental, Property and Human Health Matrix	**************************************
	Harm Release Major Moderate Minor OR Actual	#19 T
	Potential × Percent 15.0%	
1	>>Programmatic MatrixFalsification Major Moderate Minor	
	Percent 0.0%	
4	Matrix Notes Matrix Notes	
	Notes Notes of the violation.	\$
	Adjustment \$21,250	
Systal Service	entropy (1 to 1 t	\$3,750
	Violation Events	
	Number of Violation Events 27 Number of violation days	
	daily weekly monthly mark only one with an x Violation Base Penalty	\$3,750
	semiannual anrual single event	commission of the reflection of the control of the
	One quarterly event is recommended based on documentation of the violation during the February 27, 2015 investigation to the March 26, 2015 compliance date.	restriction of the second of t
	Good Faith Efforts to Comply 25.0% Reduction Before NOE/NOV to EDPRP/Settlement Offer	\$937
	Extraordinary Ordinary x	· · · · · · · · · · · · · · · · · · ·
	N/A (mark with x)	www.
	Notes The Respondent came into compliance on March 26, 2015 prior to the Notice of Enforcement dated April 7, 2015.	
	Violation Subtotal	\$2,813
	Economic Benefit (EB) for this violation Statutory Limit Test	
	Estimated EB Amount \$2 Violation Final Penalty Total	\$2,458
	This violation Final Assessed Penalty (adjusted for limits)	\$2,458

Media Violation No.	Petroleum Sto 4	rage Tank	:			Percent Interest	Years of Depreciation
			100			5.0	1.
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs				1 0.00	\$0	I \$0 I	\$0
Equipment Buildings		-		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0	\$0
Engineering/Construction			Biografication (Copyrig	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	ALBERT BURGER STREET	Herrich de la		0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
	\$500 Estimated	27-Feb-2015		0.00	\$0 \$2	n/a n/a	\$0 \$2
Permit Costs Other (as needed) Nates for DELAYED costs	Estimated	I cost to properly required is the in	install a secure vestigation dat	0.00 0.07 anchor e and t	\$0 \$2 at the base of dis ne final date is the	n/a n/a penser nos, 5 and 6 date of compliance.	\$0 \$2 . The date
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated	I cost to properly required is the in	install a secure vestigation dat	0.00 0.07 anchor e and t	\$0 \$2 at the base of dis ne final date is the ng item (except	n/a n/a penser nos. 5 and 6 date of compliance. for one-time avoid	\$0 \$2 The date
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated	I cost to properly required is the in	install a secure vestigation dat	anchore and the	\$0 \$2 at the base of dis ne final date is the ng item (except \$0	n/a n/a penser nos, 5 and 6 e date of compliance. for one-time avoid	\$0 \$2 The date
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated	I cost to properly required is the in	install a secure vestigation dat	0.00 0.07 anchor e and the entering 0.00	\$0 \$2 at the base of dis ne final date is the ng item (except \$0 \$0	n/a n/a n/a penser nos, 5 and 6 date of compliance for one-time avoid \$0 \$0	\$0 \$2 . The date . so . so . so
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated	I cost to properly required is the in	install a secure vestigation dat	0.00 0.07 anchore and the entering 0.00 1 0.00	\$0 \$2 at the base of dis ne final date is the ng item (except \$0 \$0 \$0	n/a n/a penser nos, 5 and 6 e date of compliance. for one-time avoid	\$0 \$2 The date
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	Estimated	I cost to properly required is the in	install a secure vestigation dat	0.00 0.07 anchore e and the enterior 0.00 0.00 0.00	\$0 \$2 at the base of dis ne final date is the ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a penser nos, 5 and 6 e date of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$2 . The date
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Estimated	I cost to properly required is the in	install a secure vestigation dat	0.00 0.07 anchore and the entering 0.00 1 0.00	\$0 \$2 at the base of dis ne final date is the ng item (except \$0 \$0 \$0	n/a n/a n/a penser nos, 5 and 6 date of compliance. for one-time avoid \$0 \$0 \$0 \$0	\$0 \$2 The date : !led costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	Estimated	I cost to properly required is the in	install a secure vestigation dat	0.00 0.07 anchor e and the 0.00 0.00 0.00	\$0 \$2 at the base of dis ne final date is the ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a n/a spenser nos, 5 and 6 e date of compliance for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 The date ed costs \$0 \$0 \$0 \$0

Screening Date 13-7 Respondent Pade Case ID No. 503	aana LLC dba Get N Go Market And Deli 6	Policy Revision 4 PCW Revision Ma	
Reg. Ent. Reference No. RN1 Media [Statute] Petr Enf. Coordinator Jam	oleum Storage Tank es Baldwin	, an Acrision Fig.	The control of the co
Violation Number Rule Cite(s)	5 30 Tex. Admin. Code § 334.602(a)(3)		TO AND THE STATE OF THE STATE O
Violation Description Fai	led to comply with UST operator training requirements. Specifically, no o operator was specifically trained for the Facility.	Jass C	defendente de la constanta de
	Base F	Penalty	\$25,0 00
>> Environmental, Property a	ınd Human Health Matrix Harm		
Refease OR Actual Potential	Major Moderate Minor X Percent 15.0%		acropamana de propinsos
>>Programmatic Matrix Falsification	Major Moderate Minor Percent 0.0%		rannuarin dan dan dan dan dan dan dan dan dan da
Matrix Notes Human health or the would not exceed in	ne environment will or could be exposed to significant amounts of pollutar evels that are protective of human health or environmental receptors as a of the violation.	nts that a result	modification and the second
	Adjustment \$	21,250	
	entagen in the contract of the		\$3,750
Violation Events			900000000000000000000000000000000000000
Number of Violat		IS	30000000000000000000000000000000000000
mark only one	daily weekly nonthly parterly x Violation Base P	enalty	\$3,750
Ser	niannual Constitution in the second constitution		The state of the s
One quarterly even	it is recommended based on documentation of the violation during the Fe 27, 2015 investigation to the April 13, 2015 screening date.	bruary	ommunitation Agammenta
Good Faith Efforts to Comply	10.0% Red Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer aordinary	fuction	\$375
	Ordinary x N/A (mark with x)		7000
	Notes The Respondent came into compliance on April 15, 2015 after the Notice of Enforcement dated April 7, 2015.		TITLE TO A A A A A A A A A A A A A A A A A A
Economic Benefit (EB) for this	Violation Su		\$3,375
Estimated EB			\$3,024
	This violation Final Assessed Penalty (adjusted for li	Ligano de la composición dela composición de la composición de la composición dela composición dela composición dela composición de la composición de la composición de la composición de la composición dela composición de la composición dela composición d	\$3,024

Violation No. Item Description	Item Cost						Depreciation
				an and a sales		5.0	1!
	No commerce of	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	NO COMMOS OF .	\$					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	<u>\$0</u>
Engineering/Construction				0.00	\$0 \$0	\$0	\$0 \$0
Land				0.00	\$U \$0	n/a	\$0 \$0
Record Keeping System	\$500	27-Feb-2015	1E Apr 201E	0.00	\$0 \$3	n/a n/a	\$3
Training/Sampling	\$500	1 27-reu-2015 I	13-AUI-2013	0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs		4		0.00	\$0 \$0	n/a	\$0
Other (as needed)				0.00	\$0 \$0	n/a	\$0
	Estimated co	ost to complete the	e operator traini	ing coul	se. The date req	uired is the investig	ation date and
Notes for DELAYED costs			the final date	is the o	date of compliance		
Avoided Costs	Estimated co		the final date	is the o	date of compliance g item (except	e. for one-time avoid	led costs)
Avoided Costs Disposal			the final date	is the o	date of compliance g item (except \$0	for one-time avoid	led costs)
Avoided Costs Disposal Personnel			the final date	is the o	date of compliance g item (except \$0 \$0	For one-time avoid \$0 \$0	led costs) \$0 \$0
Avoided Costs Disposal Personnel Dection/Reporting/Sampling			the final date	enterin 0.00 0.00 0.00	date of compliance g item (except \$0	for one-time avoid	led costs)
Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/Equipment			the final date	is the o	g item (except \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling			the final date	enterin 0.00 0.00 0.00 0.00	date of compliance g item (except \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	s0 s0 s0 s0 s0 s0 s0 s0

Case ID No. 5 Reg. Ent. Reference No. R Media [Statute] P	adaana LLC dba Get N Go Market And Dell 6 0375 N101845527 etroleum Storage Tank	Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Enf. Coordinator 3: Violation Number Rule Cite(s)		
Violation Description	Falled to monitor the interstitial space of the secondarily contained piping syst	em.
	Base Per	nalty \$25,000
>> Environmental, Property Release OR Actual	y and Human Health Matrix Harm Major Moderate Minor	
OR Actual Potential	X Percent 30.0%	in the second se
>>Programmatic Matrix Falsification	Major Moderate Minor	
	Percent 0.0%	TAX
Matrix Human health of that are pro	or the environment will or could be exposed to pollutants that would exceed le tective of human health or environmental receptors as a result of the violation	vels
	Adjustment. \$17	7,500
		\$7,500
Violation Events		
Number of Vio	lation Events 1 24 Number of violation days	
mark only one with an x	dally weekly monthly quarterly semiannual Violation Base Per	salty \$7,500
	annual single event	efterent some
One monthly ev	ent is recommended based on documentation of the violation during the Febru 27, 2015 investigation to the March 23, 2015 compliance date.	lary .
Good Faith Efforts to Compl	1000	tion \$1,875
Remotive and the second	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x (mark with x)	Will reconstruction and an analysis of the second analysis of the second and an analysis of the second analysis of the second and an analysis of the second and an analysis of the second
The second secon	Notes The Respondent came into compliance on March 23, 2015 prior to the Notice of Enforcement dated April 7, 2015.	The manufacture of the state of
**************************************	Violation Subt	otal \$5,625
Economic Benefit (EB) for th	is violation Statutory Limit Tes	Total Control
Estimated	EB Amount \$7 Violation Final Penalty T	
	This violation Final Assessed Penalty (adjusted for lim	its) \$4,914

	E	conomic	Benefit	Wo	rksheet		
Respondent	\$\$\$969888888888888888888888888	lba Get N.Go Marl		::::::::::::::::::::::::::::::::::::::			
Case ID No.	50375		and the second				
Reg. Ent. Reference No.	RN101845527						
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	6					r creene amerese	Depreciation
						5.0	15,
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
30000 PC-3000 PC-3000	- 100 California 2 Co. 4			nissississississi			34939333333333434339999
Delayed Costs							
Equipment	\$1,624	27-Feb-2015	23-Mar-2015	0.07	\$0	\$7	\$7
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	Assistant and a second			0.00	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling				0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a	\$0
Other (as needed):				0.00	\$0 \$0	n/a	\$0
Notes for DELAYED costs	Actual cost p	er invaice to insta			probes. The date the compliance dat	required is the inve te.	stigation date
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	nterir	ng item (except	for one-time avoid	ded costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]		-		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u>		<u> </u>	<u>, ∌U</u>	<u> </u>	
Notes for AVOIDED costs							
			15.5				· ·
Approx. Cost of Compliance		\$1,624			TOTAL		\$7

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



CEQ Compliance History Report

PUBLISHED Compliance History Report for CN604277913, RN101845527, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, CN604277913, Padaana LLC

Classification: HIGH

Rating: 0.00

or Owner/Operator: Regulated Entity:

RN101845527, Get n Go Market and

Classification: HIGH

Rating: 0.00

Complexity Points:

3

Deli 6

Repeat Violator: NO

CH Group:

14 - Other

Compliance History Period: September 01, 2009 to August 31, 2014

Location:

335 Highway 105, Evadale, Jasper County, Texas

TCEO Region:

REGION 10 - BEAUMONT

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 7655

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: April 10, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 10, 2010 to April 10, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: James Baldwin

Phone: (512) 239-1337

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? 3) If **YES** for #2, who is the current owner/operator?

PADAANA LLC OWNER OPERATOR since 8/1/2012

Haynes Oil Company OWNER since 7/8/1986

4) If **YES** for #2, who was/were the prior

owner(s)/operator(s)?

TEXAS COUNTRY, INC., OPERATOR, 1/4/2012 to 7/31/2012

TRUE SOUTHERN REAL ESTATE, LLC, OWNER, 1/4/2012 to 7/31/2012

We Are Crazy, Inc., OWNER OPERATOR, 6/30/2000 to 1/3/2012

5) If **YES**, when did the change(s) in owner or operator 8/1/2012

occur?

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1

November 18, 2010

(873220)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

NI/Δ

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
PADAANA LLC DBA GET N GO	§	
MARKET AND DELI 6	§	
RN101845527	§	ENVIRONMENTAL OUALITY

AGREED ORDER DOCKET NO. 2015-0573-PST-E

I. JURISDICTION AND STIPULATIONS

On _________, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Padaana LLC dba Get N Go Market And Deli 6 ("Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 335 Highway 105 in Evadale, Jasper County, Texas (the "Facility").
- 2. The Respondent's four underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 12, 2015.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Six Thousand Four Hundred Sixty-Two Dollars (\$26,462) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Hundred

Ninety Dollars (\$590) of the administrative penalty and Five Thousand Two Hundred Ninety-Two Dollars (\$5,292) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all the requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twenty Thousand Five Hundred Eighty Dollars (\$20,580) of the administrative penalty shall be payable in 35 monthly installments of Five Hundred Eighty-Eight Dollars (\$588) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Repaired the corrosion protection system and tested the system on April 20, 2015, with passing results;
 - b. Began conducting bimonthly inspections of the sumps, manways, overspill containers on April 3, 2015;
 - c. Submitted documentation verifying that the shear valve was securely anchored at the base of dispenser nos. 5 and 6 on March 26, 2015;
 - d. Conducted training, identified, and designated a Class C operator for the Facility on April 15, 2015; and
 - e. Installed liquid sensing probes to monitor the piping interstitial space on March 23, 2015.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to ensure that a corrosion protection system is designed, installed, operated, and maintained in a manner that corrosion protection is continuously provided to all underground metal components of the UST system, in violation of 30 Tex. Admin Code § 334.49(a)(2) and Tex. Water Code § 26.3475(d), as documented during an investigation conducted on February 27, 2015. Specifically, there was no electrical power to the rectifier box.
- 2. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly, in violation of 30 Tex. Admin Code § 334.49(c)(2)(C) and Tex. Water Code § 26.3475(d), as documented during an investigation conducted on February 27, 2015.
- 3. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on February 27, 2015.
- 4. Failed to inspect all sumps including the dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight and free of any liquid or debris, in violation of 30 Tex. Admin. Code § 334.42(i), as documented during an investigation conducted on February 27, 2015. Specifically, the sumps contained liquid and debris.
- 5. Failed to install a secure anchor at the base of the dispenser in each pressurized delivery or product line, in violation of 30 Tex. ADMIN. CODE § 334.45(c)(3)(A), as documented during an investigation conducted on February 27, 2015. Specifically, the shear valve (or impact valve) on dispenser nos. 5 and 6 was not anchored.
- 6. Failed to comply with UST operator training requirements, in violation of 30 TEX. ADMIN. CODE § 334.602(a)(3), as documented during an investigation conducted on February 27, 2015. Specifically, no Class C operator was specifically trained for the Facility.

7. Failed to monitor the interstitial space of the secondarily contained piping system, in violation of 30 Tex. Admin. Code § 334.45(d)(1)(E)(iv), as documented during an investigation conducted on February 27, 2015.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Padaana LLC dba Get N Go Market And Deli 6, Docket No. 2015-0573-PST-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin conducting inspections of the impressed cathodic protection system at least once every 60 days, in accordance with 30 Tex. ADMIN. CODE § 334.49; and
 - ii. Implement a release detection method for the USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.ai. and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1892

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be

copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	Date Date
I, the undersigned, have read and understand the atta agree to the attached Agreed Order on behalf of the er do agree to the terms and conditions specified therein accepting payment for the penalty amount, is material	ntity indicated below my signature, and I I further acknowledge that the TCEQ, in
 I also understand that failure to comply with the Order and/or failure to timely pay the penalty amount, may A negative impact on compliance history; Greater scrutiny of any permit applications sultant additional penalties, and/or attorney General's additional penalties in any future enforcement Automatic referral to the Attorney General's Orand TCEQ seeking other relief as authorized by law In addition, any falsification of any compliance document 	result in: bmitted; Office for contempt, injunctive relief, o a collection agency; actions; iffice of any future enforcement actions;
Signature AQI:	6- 20- 2015 Date
Name (Printed or typed) Authorized Representative of Padaana LLC dba Get N Go Market And Deli 6	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.